

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL ACTION NO.
)	2:07cr01-MHT
)	
LATYND A NEISHAY BENTLEY)	

ORDER

This case is now before the court on defendant Latynda Neishay Bentley's motion to continue trial. In light of the fact that neither the government nor the codefendants have any objections to the continuance motion and for the reasons set forth below, the court concludes that the continuance motion should be granted.

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Stitzer, 785 F.2d 1506, 1516 (11th Cir.), cert. denied, 479 U.S. 823 (1986), the court is limited by the

requirements of the Speedy Trial Act, 18 U.S.C. § 3161.

The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an ... indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the ... indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

18 U.S.C. § 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

The court concludes that, in this case, a continuance is necessary. Bentley's trial is currently set for December 10, 2007, but Bentley's application for pretrial diversion--which could result in the deferral or diversion of this prosecution--is currently pending. Additionally, if her application for pretrial diversion

is denied, she will negotiate a plea agreement with the government and will not go to trial. Therefore, the ends of justice served by granting a continuance outweigh the interest of the public and Bentley in a speedy trial.

Accordingly, it is ORDERED as follows:

- (1) Defendant Latynda Neishay Bentley's motion to continue (Doc. No. 84) is granted.
- (2) Defendant Bentley's trial and jury selection are continued to the criminal term of court commencing March 17, 2008, at 10:00 a.m. in Courtroom 2FMJ of the Frank M. Johnson, Jr., United States Courthouse Complex, One Church Street, Montgomery, Alabama.

DONE, the 20th day of November, 2007

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE